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Before The  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
)  
(West Liberty and Salyersville )  
Kentucky) )

ORIGINAL

To: Chief, Allocations Branch  
Mass Media Bureau

Petition For Rule Making

1. Morgan County Industries Inc. (Petitioner), licensee of broadcast station WLKS-FM, West Liberty, Kentucky, by and through its undersigned counsel, hereby requests that the Federal Communications Commission (FCC) initiate a Rule Making Proceeding to modify its FM Table of Allotments (Section 73.202(b) of its Rules), to upgrade Station WLKS-FM from Channel 275A to 247C3 (and modify the license of Station WLKS-FM for operation on Channel 247C3) and, in order to do so, modify the license of Station WRLV-FM, Salyersville, Kentucky to operate on Channel 275A, in lieu of Channel 247A.

2. Thus, as proposed, herein, the FCC's allocation Table would be amended, as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
West Liberty, Ky	275A	247C3
Salyersville, KY	247A	275A

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In support of this proposal, the following matters are set forth.

3. Attached to this Petition For Rule Making, and made a part hereof, is an engineering statement of Petitioner's consulting engineer, Donald L. Markley, establishing that the requested, proposed allotments are in full compliance with the FCC's Rules, including mileage separations.

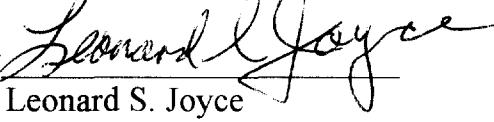
4. The requested allotments will serve the public interest since it will result in wider area coverage of Station WLKS-FM, and, at the same time, provide equal area coverage by Station WRLV-FM (with no change in the existing WRLV-FM transmitter site).

5. Upon grant on the proposed allotments, and the modification of the WLKS-FM license to provide operation on Channel 247C3, Petitioner shall promptly file FCC Form 301, and, upon grant, promptly construct the proposed upgraded facilities. Additionally, in accordance with FCC Rules and Policies, Petitioner certifies that upon final grant of the proposed allotments, Petitioner will reimburse the licensee of Station WRLV-FM for its reasonable and prudent expenses incurred in changing its Channel from 275A to 247A and cooperate with said licensee in coordinating that Channel change with Petitioner's proposed upgrade. A copy of this Petition For Rule Making is being served upon the licensee of Station WRLV-FM.

Wherefore, the premises considered, it is respectfully submitted that it will serve the public interest for the FCC to initiate a Rule Making Proceeding proposing the allotment changes requested herein.

Respectfully Submitted,

Morgan County Industries Inc.

By   
Leonard S. Joyce

Its Counsel

Law Office of Leonard S. Joyce  
5335 Wisconsin Ave.  
Suite 400  
Washington, D.C. 20015

**ORIGINAL**

## PETITION FOR RULEMAKING

The following engineering statement and attached exhibits have been prepared for Morgan County Industries, Inc., licensee of WLKS-FM at West Liberty, Kentucky and are in support of their Petition for Rulemaking to modify the Commission's Rules and Regulations.

It is proposed that Section 73.202(b), the Table of Allotments of the FM band, be modified in the following fashion:

<u>City</u>	<u>Existing</u>	<u>Proposed</u>
Salyersville, KY.	247A	275A
West Liberty, KY.	275A	247C3

The attached spacing studies demonstrate that channel 275A could be allotted to Salyersville, Kentucky as a Class A allocation. Salyersville could operate on channel 275 as a fully spaced Class A station without any interference to any existing or proposed facility. The move in allocation from channel 247A to channel 275A at Salyersville would permit a desired increase for WLKS-FM at West Liberty.

The attached study demonstrates that WLKS-FM could be allocated channel 247C3 with allocation

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coordinates of 38° 00' 26" North and 83° 24' 02" West. From that location, WLKS-FM would place a city grade signal over the entire city of license at West Liberty, Kentucky.

It is intended, should the Petition for Rule-making be granted, that the actual Class C3 facility will be constructed at the existing WLKS site utilizing a directional antenna to provide protection to WBVB at Coal Grove, Ohio. The existing WLKS site would be short-spaced to WBVB by 6.6 kilometers. However, the distance to WBVB of 82.42 kilometers is well under that required as a minimum spacing under Section 73.215 of the Commission's Rules and Regulations.

When the rulemaking is approved, Morgan County Industries, Inc. will promptly prepare and file FCC Form 301 to utilize the new site as a Class C3 with the contour protection provisions of Section 73.215.

The preceding statement and attached exhibits have been prepared by me or under my direction and are true and correct to the best of my knowledge and belief.



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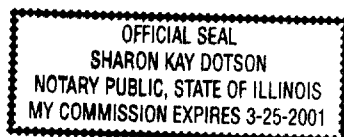
Donald L. Markley, P.E.

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Subscribed and sworn to before me this 1<sup>st</sup> Day of December, 1997.

Sharon Dotson  
Notary Public

My commission expires:



Single Channel Study For: West Liberty, KY On Ch. 247 C3 - 97.3 Mhz.

States Searched: KY, TN, IN, OH, PA, WV, MD, VA, NC, SC, GA, AL 38° 02' 16" N.  
Run Date: 11-26-1997 83° 20' 18" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
244	NO CONFLICT				
245	NO CONFLICT				
246 WBVB	LIC Coal Grove	OH A *	82.42 ( 51.22)	89	58.30
246	USED Coal Grove	OH A *	78.77 ( 48.94)	89	49.60
247 WRLV-FM	LIC Salyersville	KY A *	39.27 ( 24.40)	142	142.20
247	USED Salyersville	KY A *	39.59 ( 24.60)	142	142.90
247 WMMA	LIC Lebanon	OH A	163.83 (101.80)	142	333.10
247	USED Lebanon	OH A	172.73 (107.33)	142	334.40
248	USED Charleston	WV B	147.16 ( 91.44)	145	73.30
248 WQBE-FM	LIC Charleston	WV B	147.16 ( 91.44)	145	73.30
249	NO CONFLICT				
250	NO CONFLICT				
300	NO CONFLICT				

\*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

Single Channel Study For: West Liberty, KY On Ch. 247 C3 - 97.3 Mhz.

States Searched: KY, TN, IN, OH, PA, WV, MD, VA, NC, SC, GA, AL 38° 0' 26" N.  
Run Date: 11-26-1997 83° 24' 2" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
244	NO CONFLICT				
245	USED Paris	KY C2	84.59 ( 52.56)	56	279.40
245 WGKS	LIC Paris	KY C2	84.64 ( 52.59)	56	279.30
246 WBVB	LIC Coal Grove	OH A	88.86 ( 55.21)	89	58.20
246	USED Coal Grove	OH A *	85.13 ( 52.90)	89	50.20
247 WRLV-FM	LIC Salyersville	KY A *	40.47 ( 25.14)	142	133.10
247	USED Salyersville	KY A *	40.71 ( 25.29)	142	133.80
247 WMMA	LIC Lebanon	OH A	164.49 (102.21)	142	335.20
247	USED Lebanon	OH A	173.53 (107.83)	142	336.50
248	USED Charleston	WV B	153.38 ( 95.31)	145	72.60
248 WQBE-FM	LIC Charleston	WV B	153.38 ( 95.31)	145	72.60
249	NO CONFLICT				
250	NO CONFLICT				
300	NO CONFLICT				

\*-Short Spaced

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Single Channel Study For: Salyersville, KY On Ch. 275 A -102.9 Mhz.

States Searched: KY, TN, IN, OH, PA, WV, MD, VA, NC, SC, GA, AL 37° 45' 30" N.  
Run Date: 11-26-1997 83° 03' 52" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - REQUIRED KM. (MI.)	BEARING Deg. T.
221	NO CONFLICT			
222	NO CONFLICT			
272	NO CONFLICT			
273	NO CONFLICT			
274 WSEH	LIC Cumberland	KY A	94.56 ( 58.76)	72 171.20
274	USED Cumberland	KY A	87.01 ( 54.07)	72 175.60
274 WVSR-FM	LIC Charleston	WV B	139.42 ( 86.63)	113 61.00
274	USED Charleston	WV B	139.42 ( 86.63)	113 61.00
275 WXJJ	CP Mount Vernon	KY A	127.62 ( 79.30)	115 251.70
275	USED Mount Vernon	KY A	127.54 ( 79.25)	115 251.80
275	USED West Liberty	KY A *	25.03 ( 15.55)	115 317.20
275 WLKS-FM	LIC West Liberty	KY A *	39.27 ( 24.40)	115 322.40
275 WELC-FM	LIC Welch	WV A	133.41 ( 82.90)	115 106.10
275	USED Welch	WV A	136.34 ( 84.72)	115 105.90
276 WPKE-FM	LIC Elkhorn City	KY A	82.68 ( 51.38)	72 131.10
276	USED Elkhorn City	KY A	82.68 ( 51.38)	72 131.10
276 WPKE-FM	CP Elkhorn City	KY A	82.68 ( 51.38)	72 131.10
276 WWLT	LIC Manchester	KY A	91.96 ( 57.14)	72 223.20
276	USED Manchester	KY A	91.96 ( 57.14)	72 223.20
277	USED Huntington	WV B	93.65 ( 58.19)	69 38.10
277 WTCR-FM	LIC Huntington	WV B	93.65 ( 58.19)	69 38.10
278	NO CONFLICT			

\*-Short Spaced

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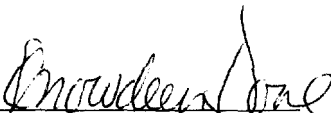
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**Certificate of Service**

I Snowden Dove, a secretary in the Law Offices of Leonard S. Joyce, do hereby certify that the foregoing Petition to Deny was served this 3rd Day of March, 1998, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

Sharon McDonald  
Allocations Branch  
Federal Communications Commission  
2000 M Street, N.W.  
5th Floor  
Washington, DC 20554

C.K. Belhasen, President  
Station WRLV-FM  
P.O. Box 550  
Salyersville, Kentucky 41465

s/s   
Snowdeen Dove